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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/799,863	KALISH, DAN	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2145	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-13,16-21,23-25,27 and 29-32</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4-13,16-21,23-25,27 and 29-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   Claim 7 is objected to because of the following informalities: the claim recites

"...comprising retrieving required data *freom* respective data source..." Appropriate correction is

required.

2.   Claim 17 is objected to because of the following informalities: the claim ends with

incorrect punctuation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claim 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

     Claim 18 recites "…content server site is arranged for billing applications for applying

respective billing rules in accordance with the identified content location." This limitation is

inherently unclear since it is not in proper idiomatic English.

5.   Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 18 recites "…wherein the identification of location within content server site is arranged for data retrieval services for retrieving the required data from respective data source." This limitation is inherently unclear since it is not in proper idiomatic English.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 4-13, 16-21, 23-25, 27, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0054090 to Silva et al (hereinafter Silva).

Regarding claims 29, 30, Silva teaches a method of identifying contextual location of a mobile device user within a content server over a cellular network comprising:

receiving user visited content from a content server, the content exhibiting embedded hyperlinks each associated with a corresponding title and a corresponding uniform resource locator (URL) (Silva, abstract, web view specification is saved at a web view server which includes the navigation steps used to arrive at the web page (i.e. a series of URLs) and extraction expressions containing components of interest (i.e. titles).);

parsing the received content and extracting the embedded hyperlinks and their corresponding titles and dynamic URLs, and storing the hyperlinks wherein each title is

associated with its corresponding dynamic URL (Silva, abstract, based on the navigation steps

and extraction expressions, a web view specification is created.);

upon receiving a subsequent URL request, extracting corresponding hyperlink title from

previously stored hyperlink according to presently received URL (Silva, abstract, when the web

view server receives a subsequent request, the server retrieves the stored specification, accesses

the page indicated, and extracts the relevant components, and return the information to the

requesting device.);

creating a short term user surfing course comprising a sequence of hyperlink titles and the

corresponding dynamic URLs (Silva, abstract, web view specification and extraction

components.); and

identifying mobile device user contextual location within content server by comparing

the sequence of user selected hyperlink titles of the short term user surfing course with a plurality

of hyperlinks titles sequences stored on a predefined database (Silva, abstract, when the web

view server receives a subsequent request, the server retrieves the stored specification, accesses

the page indicated, and extracts the relevant components, and return the information to the

requesting device.).

Regarding claims 31 and 32, Silva teaches the method of claim 29, 30, further

comprising: registering the hyperlink titles sequence in persistent storage for future analysis

(Silva, abstract, the web view specification is stored at the server.).

Regarding claim 4, 16, Silva teaches the method of claim 29, wherein the identification of the location of the user within the content server site is arranged for access control utilities enabling access restriction to specific content according to content location as defined by the hyperlinks title sequence (Silva, the content is restricted to content location as defined in the series of navigational steps the user records. See abstract.).

Regarding claim 5, 17, Silva teaches the method of claim 29, wherein the identification of location of the user within the content server site is arranged for caching utilities enabling to identify cached content according the identified content location (Silva, abstract, the web view specifications are stored and later retrieved (i.e. cached.). See also, [0036], web views are cached in accordance with the links travesed.).

Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly disclose wherein the identification of location within content server site is arranged for billing applications applying billing rules according in accordance with the identified content location, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 7, 19, Silva teaches the method of claim 29, wherein the identification of the location within the content server site is arranged for data retrieval services enabling to

identify the content service type and comprising retrieving required data from respective data

source according to the identified location within the content server site (Silva, abstract, the web

services provided by the web view server are retrieved by the client device.).

Regarding claim 8, 20, Silva teaches the method of claim 29, further comprising

processing the content to fit user mobile device specifications wherein the identification of the

location within the content server site is arranged for selecting content processing before delivery

to the mobile device (Silva, see [0003-0010], [0021-0024], and [0033-0036]. See also, [0039],

which discloses gateways which perform protocol conversion to and from HTTP as well as

necessary transcoding of content retrieved from the Web view server.).

Regarding claim 9, Silva teaches the method of claim 29. Silva does not expressly

disclose wherein the identification of the location within the content server site is arranged for

sampling the usage of said location and providing usage statistical analysis, however, it has been

held that a recitation with respect to the manner in which a claimed apparatus is intended to be

employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the

claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 10, 23, Silva teaches the method of claim 29, 30, further comprising the

step of displaying the sequence of hyperlinks titles to the user for enabling the identification of

previously visited content services (Silva, [0034], GUI allows users to see the extracted content

(i.e. links traversed).).

Regarding claim 11, Silva teaches the method of claim 10. Silva does not expressly disclose wherein the service identification is arranged for tracking users' activities for billing purposes, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 12, 25, Silva teaches t he method of claim 10, 30 wherein the identification of services by the user is arranged for enabling the user to return to the services (Silva, abstract, the user identifies content from websites which he will subsequently access in a web view specification.).

Regarding claim 13, Silva teaches the method of claim 29, wherein the service identification module functionality is implemented at least in part within the user device (Silva, abstract, the components specified by the user are returned to the user device upon subsequent access.).

Regarding claim 21, Silva teaches the system of claim 30. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be

employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 24, Silva teaches the system of claim 30, wherein the service tracking module is arranged for tracking users' activities (Silva, the server stores the users navigation steps. See abstract.) for billing services. Silva does not expressly disclose tracking data for billing services, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 27, Silva teaches the systems of claim 30, wherein the content analysis module is implemented within an existing gateway or proxy on the network (Silva, see [0003-0010], [0021-0024], and [0033-0036]. See also, [0039], which discloses gateways which perform protocol conversion to and from HTTP as well as necessary transcoding of content retrieved from the Web view server.).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

9.   Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva in

view of US 7,039,037 to Wang et al (hereinafter Wang).

Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly

disclose wherein the identification of location within content server site is arranged for billing

applications applying billing rules according in accordance with the identified content location.

However, Wang teaches wherein the identification of location within content server site is

arranged for billing applications applying billing rules according in accordance with the

identified content location. In column 1 lines 62-67 Wang teaches "The use of the above WAP

Controller of FIG. 3 to enable new wireless data service parameters to be developed and

dynamically implemented (example Roaming support, pre-paid and pay-per-use data services)

and the enforcement of traffic behaviors on WAP traffic depending on different

service/subscriber profiles." The pay-per-view billing methods are also taught in column 3 lines

59-62 as "can purchase service as they go, on the basis of usage time or number of accesses".

It would therefore have been obvious to one of ordinary skill in the art at the time of the

invention to combine Silva's method of location/service identification and Wang's teaching of

pay-per-view services because Wang's teaching employ the use of information about the user in

order to bill the user accordingly. It would be obvious to include the more detailed information

about the user which is provided in Silva's teaching.

10.   Claims 9, 11, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Silva in view of US 2002/0062467 to Hunzinger et al (hereinafter Hunzinger).

        Regarding claims 9 and 21, Silva teaches the method of claim 29, 30. Silva does not

expressly disclose wherein the identification of the location within the content server site is

arranged for sampling the usage of said location and providing usage statistical analysis.

However, Hunzinger teaches wherein the identification of the location within the content server

site is arranged for sampling the usage of said location and providing usage statistical analysis

(Hunzinger [0023], a monitoring system is used to keep track of the statistics of content

delivery.)

        It would be obvious to at the time of the invention to combine Hunzinger's billing and

usage monitoring services with Silva's method of identifying services and locations for WAP

users because it is obvious to bill a user according to the services provided.

        Regarding claims 11 and 24, Silva teaches the method of claim 10, 30. Silva does not

expressly disclose wherein the service identification is arranged for tracking users' activities for

billing purposes. However, Hunzinger teaches wherein the service identification is arranged for

tracking users' activities for billing purposes (Hunzinger, paragraph [0011] discloses "a content

usage-based billing ". It is clear that the user's activity is being tracked since the usage is being

monitored, and that it is being done according to billing purposes.

It would be obvious to at the time of the invention to combine Hunzinger's billing and

usage monitoring services with Silva's method of identifying services and locations for WAP

users because it is obvious to bill a user according to the services provided.

Response to Arguments

11.   Applicant's arguments filed 07/22/2008 have been fully considered but they are not

persuasive. Applicant argues that Silva does not teach *parsing the received content and*

extracting the embedded hyperlinks wherein each title is associated with its corresponding

dynamic URL. The examiner respectfully disagrees. Silva teaches a system where the user

submits components of a web page including the navigation steps (i.e. list of URLs) that the user

traversed to get to the destination page. The server stores this information, along with other

components of the visited web page in a web view specification. The web view specification is

generated in response to the information submitted by the user. In order to create the web view

specification, the individual pieced of information must be parsed in order to assemble the

specification. See [0027], which discloses that the server extracts the specified content from the

page (i.e. parses the received content) and returns the extracted content. The abstract discloses

that the web view contains the user's navigational steps (i.e. the pages visited). Paragraph [0028]

discloses that the pages are parsed and components of interest are collected from the page.

Applicant argues that Silva does not teach *storing the hyperlinks wherein each title is*

associated with corresponding dynamic URL. The examiner respectfully disagrees. Paragraph

[0029] of Silva discloses that browsing actions are recorded along with the user's actions. Links

traversed, forms filled along the way, and interactions with active content are all recorded. This

information which would include the web page title and URL are stored in the web view

specification for later access (See the abstract). Further, the web view specification includes the

title of the web page as disclosed in Fig. 2.

    Applicant argues that Silva does not teach a content analysis module within a proxy

server that is arranged to, upon receiving subsequent URL request, extract corresponding

hyperlink title from the previously stored hyperlink according to presently received URL

extracting user selected embedded hyperlinks and their corresponding titles and dynamic URLs.

The examiner again respectfully disagrees. Silva discloses that when the web view server

receives a subsequent request for a page the server retrieves the stored specification, accesses the

page indicated, extracts the relevant components, and returns the information to the requesting

device (See the abstract.)

    Applicant argues that Silva does not teach creating a short term user surfing course

comprising a sequence of hyperlink titles and the corresponding dynamic URLs, however the

examiner disagrees. Silva teaches the storage of web view specifications which include the user's

navigational steps along with other information as described above.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003.

The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145